

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

CYNTHIA D. PAJAK,

Plaintiff,

v.

CIVIL ACTION NO. 1:19CV160
(Judge Keeley)

UNDER ARMOUR, INC.;
UNDER ARMOUR RETAIL, INC.; and
BRIAN BOUCHER;

Defendants.

ORDER FOLLOWING MOTION HEARING

For the reasons stated on the record during a hearing on January 25, 2022, the Court:

1. **SUSTAINED IN PART** and **OVERRULED IN PART** the objections of the plaintiffs, Cynthia Pajak ("Pajak"), to Judge Alois's Order denying-in-part her motion to exclude evidence due to the alleged non-compliance of the defendants, Under Armour, Inc. And Under Armour Retail, Inc. ("Under Armour") with the Court's Order during the deposition of Dana Olson ("Olson") (Dkt. No. 626). Specifically, the Court **SUSTAINED** Pajak's objection as to the permissible scope of Olson's deposition. Pajak may seek information related to the following topics:
 - a. The relationship between Under Armour and JND eDiscovery ("JND");
 - b. Any preservation policies in place at JND;

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- c. Any preservation policies JND employees follow at Under Armour's direction; and
 - d. The logistics regarding the efforts of JND and Olson to gather, preserve, and archive responsive data in this case, including Olson's efforts to locate and create an image Brian Boucher's cell phone.
2. **OVERRULED** Pajak's objections to Judge Aloii's Orders denying her motions to exclude evidence related to the depositions of Under Armour's 30(b)(6) witnesses (Dkt. No. 637); and
3. **DENIED** Pajak's motion for entry of a second amended scheduling order in this case (Dkt. No. 588).

It is so **ORDERED**.

The Clerk **SHALL** transmit copies of this Order to counsel of record.

DATED: January 27, 2022

/s/ Irene M. Keeley

IRENE M. KEELEY

UNITED STATES DISTRICT JUDGE